

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTONIA BERNARD HUGHLEY,)

Petitioner,)

v.)

STATE OF ALABAMA,)

Respondent.)

Case No.: 7:20-cv-00594-ACA-HNJ

MEMORANDUM OPINION

The Magistrate Judge entered a report recommending the court grant Respondent State of Alabama’s motion for summary dismissal and dismiss the petition with prejudice as unexhausted and procedurally defaulted. (Doc. 8). Although the Magistrate Judge advised the parties of their right to file specific written objections within fourteen days, the court has not received any objections within the prescribed time.

Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the court hereby **ADOPTS** the report of the Magistrate Judge and **ACCEPTS** his recommendation. Accordingly, the court **WILL DISMISS** the petition **WITH PREJUDICE**.

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that

reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Mr. Hughley’s claims do not satisfy either standard.

The court will enter a separate Final Judgment.

DONE and **ORDERED** this April 19, 2021.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE